

GENERAL ORDERS, }

No. 168.

WAR DEPARTMENT,

ADJUTANT GENERAL'S OFFICE,

Washington, June 8, 1863.

I. Before a General Court Martial, which convened at Camp Montgomery, Mississippi, September 26, 1862, pursuant to General Orders, No. 22, dated September 8, 1862, Special Orders, No. 64, dated September 15, 1862, and No. 67, dated September 16, 1862, Headquarters, 2d Division, and of which Colonel T. W. SWEENEY, 52d Illinois Volunteers, is President, was arraigned and tried—

Captain *Henry B. Eads*, 14th Missouri Volunteers.

CHARGE I.—“Conduct unbecoming an officer and gentleman.”

*Specification*—“In this; that Captain *Henry B. Eads*, Company ‘B,’ Western Sharpshooters, 14th Missouri Volunteers, did, on or about the 11th day of August, 1862, call Major George Pipe, of said Regiment, ‘a damned liar;’ also, ‘a damned low-lived pup,’ while the said Major was informing him of his neglect towards his Company.”

CHARGE II.—“Neglect of duty.”

*Specification*—“In this; that said Captain *Henry B. Eads* did, on or about the 4th day of February, 1862, when ordered from Sturgeon, Missouri, having in his charge the body of Private Rufus S. Jane, of Company ‘B,’ 14th Missouri Volunteers, deceased, being relieved from his command of the Company, and ordered to have the body of deceased Private Rufus S. Jane conveyed to a proper place of burial, did neglect his solemn duty by leaving the body of Rufus S. Jane at St. Charles, Missouri, on the railroad car, never since ascertaining the condition or disposition of said body.”

*Specification* 2d—“In this; that Private Rufus S. Jane, of Western Sharpshooters, 14th Missouri Volunteers, having died in the service of the United States, the said Captain *Henry B. Eads*, of Company ‘B,’ Western Sharpshooters, 14th Missouri Volunteers, being the then commanding officer of said Company, did

fail and neglect to take an account of the effects of which said private was possessed, and transmit the same to the War Department, or to transmit said effects to the legal heirs or representatives of the deceased. All this at or near Sturgeon, Missouri, on or about the 4th day of February, 1862."

CHARGE III.—"Drunkenness while on duty."

*Specification*—"In this; that Captain *Henry B. Eads*, of Company 'B,' Western Sharpshooters, 14th Missouri Volunteers, did, on or about the fifth day of February, 1862, on arriving at St. Charles, Missouri, with his Company, get so drunk as to be unable to take command of his Company, and by reason of such drunkenness, remain absent from his Company for three days, while on the United States transport *Belle Memphis*, en route for Cairo, aforesaid."

CHARGE IV.—"Violation of the 39th Article of War."

*Specification*—"In this; that on or about the 6th day of February, 1862, the said *Henry B. Eads*, Captain of Company 'B,' Western Sharpshooters, 14th Missouri Volunteers, having had entrusted to him, and received from Major *Witherill*, Paymaster of the U. S. Army, the money due as allowances and pay from the United States to said *Rufus S. Jane*, Private of Company 'B,' aforesaid, amounting to the sum of eighteen dollars, or thereabouts, for the purpose of paying the same to the said Private *Jane*, then under the command of the said Captain *Henry B. Eads*, did fail to pay over and account for said money, but did embezzle, misapply, and appropriate the same to his own use. All this at the camp of the Western Sharpshooters, on or about the date last aforesaid."

To which charges and specifications the accused, Captain *Henry B. Eads*, 14th Missouri Volunteers, pleaded "Not Guilty."

#### FINDING.

The Court, after mature deliberation on the evidence adduced, finds the prisoner, Captain *Henry B. Eads*, of the 14th Missouri Volunteers, as follows:

## CHARGE I.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

## CHARGE II.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

## CHARGE III.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

## CHARGE IV.

Of the *Specification*, "Not Guilty."

Of the CHARGE, "Not Guilty."

## SENTENCE.

And the Court does therefore sentence him, Captain *Henry B. Eads*, 14th Missouri Volunteers, "*To be dismissed from the service.*"

II.. The record in the foregoing case is fatally defective, in not showing that the Judge Advocate was sworn. Further, it does not appear that the proceedings of the Court were reviewed and approved by the officer ordering the Court, or his successor in command, or that the sentence has been confirmed by the General commanding the Army in the field. The sentence is inoperative, and is annulled.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,  
*Assistant Adjutant General.*